

SECOND REGULAR SESSION

# SENATE BILL NO. 1231

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR DOUGHERTY.

Read 1st time March 1, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

5467S.011

## AN ACT

To amend chapter 208, RSMo, by adding thereto one new section relating to Medicaid benefits.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 208, RSMo, is amended by adding thereto one new  
2 section, to be known as section 208.665, to read as follows:

**208.665. 1. Subject to a waiver of federal statutory requirements  
2 as provided for and authorized by the federal Social Security Act, 42  
3 U.S.C. 301, et seq., medical assistance shall be provided for persons  
4 diagnosed with cancer, except the following:**

5 (1) Persons having an income of more than four hundred percent  
6 of the federal poverty level;

7 (2) Persons who have coverage under health insurance or an  
8 insurance arrangement, except that this exclusion shall not apply to a  
9 person who has such coverage but whose premiums have increased to  
10 three hundred percent or more of rates established by the department  
11 of insurance as applicable for individual standards risks;

12 (3) Persons who are eligible for continuation or conversion of  
13 insurance coverage under 29 U.S.C. 1161 to 29 U.S.C. 1168, 42 U.S.C.  
14 300bb-8, sections 376.395 to 376.404, RSMo, or section 376.428, RSMo,  
15 except that this exclusion shall not apply to a person who has such  
16 coverage but whose premiums have increased to three hundred percent  
17 or more of rates established by the department of insurance as  
18 applicable for individual standards risks;

19 (4) Persons who have been diagnosed with breast or cervical  
20 cancer and who are eligible under subdivision (25) of section 208.151,  
21 except that any person who has been diagnosed with breast or cervical

22 cancer and who is ineligible under subdivision (25) of section 208.151,  
23 shall be eligible under this section so long as such person is eligible  
24 under the provisions of this section;

25 (5) Persons who qualify for medical assistance under section  
26 208.151, or any other provision under chapter 208, RSMo; or

27 (6) Persons who are eligible for Medicare coverage.

28 2. The division of medical services shall establish a nine-month  
29 look back period to review whether any person applying for medical  
30 assistance under this section willfully dropped adequate health  
31 insurance or an insurance arrangement. If the division determines that  
32 such coverage was dropped in anticipation of obtaining or with an  
33 intent to obtain eligibility for medical assistance benefits under this  
34 section, the division shall have available all remedies and sanctions  
35 permitted under federal and state law regarding such action by the  
36 applicant. For purposes of this section, "adequate health insurance or  
37 an insurance arrangement" means coverage described in subdivisions  
38 (2) and (3) of subsection 1 of this section, except that the premiums are  
39 less than three hundred percent of rates established by the department  
40 of insurance as applicable for individual standard risks.

41 3. The family support division may require any recipient of  
42 medical assistance under this section to pay part of the charge or cost  
43 of services as defined by rule promulgated by the division of medical  
44 services.

45 4. Any rule or portion of a rule, as that term is defined in section  
46 536.010, RSMo, that is created under the authority delegated in this  
47 section shall become effective only if it complies with and is subject to  
48 all of the provisions of chapter 536, RSMo, and, if applicable, section  
49 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable  
50 and if any of the powers vested with the general assembly pursuant to  
51 chapter 536, RSMo, to review, to delay the effective date, or to  
52 disapprove and annul a rule are subsequently held unconstitutional,  
53 then the grant of rulemaking authority and any rule proposed or  
54 adopted after August 28, 2006, shall be invalid and void.

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